

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. SACR 17-00076 CJC

Date September 3, 2020

Present: The Honorable Philip S. Gutierrez, Chief United States District Judge

Interpreter n/a

Wendy Hernandez	Not Reported	Not Present
Deputy Clerk	Court Reporter/Recorder	Assistant U.S. Attorney

<u>U.S.A. v. Defendant(s):</u>	<u>Present</u>	<u>Cust.</u>	<u>Bond</u>	<u>Attorney(s) for</u>	<u>Present</u>	<u>App.</u>	<u>Ret.</u>
Jeffrey Olsen	not	x		David Joseph Sutton; Elena Rose Sadowsky	not	x	

Proceedings: **(In Chambers) Order DENYING the Honorable Cormac J. Carney's Request for the Chief Judge of the Central District of California to Direct the Jury Department to Summon Jurors**

As judges of the Central District of California, we are expected to observe all Local Rules and General Orders when conducting court business. Contrary to this fundamental tenet of court governance, there has been a second request for the Chief Judge to direct the Jury Department to summon jurors in direct contravention of General Order Number 20-09. This request, like the last one, is **DENIED**. *See United States v. Recinos*, CR19-00724 CJC, Dkt. # 58.

The governance of the Court is vested in the district judges of the Court. On August 6, 2020, the majority of district judges of the Court approved General Order Number 20-09, which suspended jury trials until further notice. *See General Order No. 20-09 (Aug. 6, 2020)*. The district judges determined that the continued suspension of jury trials is necessary to protect the health and safety of prospective jurors, defendants, attorneys, and court personnel due to the Coronavirus Disease 2019 pandemic. *See id.* Although I signed the Order in my capacity as Chief Judge, the Order is not mine. It is an Order of the Court. One that reflects the consensus of the majority of district judges.

As Chief Judge, I am responsible for the observance of the rules and orders of the Court. *See 28 U.S.C. § 137(a)*. I am also charged with supervising the different units of the Court, including the Jury

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Department. However, my authority over the Jury Department cannot be exercised at my whim or that of any other judge. It must be exercised under the policies and directives as formulated by the Court's district judges or its Executive Committee. There is no question that the current policies and directives as formulated by the district judges of the Court do not currently allow at the present time for the Jury Department to summon jurors. Accordingly, as Chief Judge, I not only lack authority to overrule or disregard these policies and directives but am expected to implement and enforce them. I will do so here and continue to do so.

Therefore, in accordance with General Order Number 20-09, the request for the Chief Judge to direct the Jury Department to summon jurors for an October 13, 2020 trial in *United States v. Olsen*, SACR 17-00076 CJC, is **DENIED**.